P.R. No. 193/06
Proce... J.K. Gupta
dated 12/1/06

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARHAT
BILASPUR

Writ Petition No. 188 of 2006 Single Bench

PETITIONER :- Nathu Lal Verma son of late Mohan Lal Verma, aged about 52 years, resident of Wadraf Nagar, District Surguja [C.G.]

VERSUS

RESPONDENTS :-

1] State of Chhattisgarh, through the Secretary Water Resources Department Mantralaya, D.K.S. Bhavan, G.E. Road, Raipur [C.G.].

2] The Collector, Surguja, District Surguja [C.G.].

3] The Executive Engineer, ~~Public Works Department~~ Water Resources Department Division No.2, Ambikapur, District Surguja [C.G.].

4] The Sub Divisional Officer, Water Resources, Sub Division, Wadraf Nagar, District Surguja [C.G.].

Attested
6/4/06
AR(E)

Amended as Per C.O. dt. 30/03/06
30/03/06
J.K. Gupta Adv.

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PETITION UNDER ARTICLE 226 OF THE CONSTITTION OF INDIA

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HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 188/2006

Nathulal Verma

Vs

State of Chhattisgarh and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, Vacation Judge**

Shri H.B. Agrawal, Sr. Advocate Ku. Sangeeta Mishra, counsel for the petitioner.

Shri Vinay Harit, Deputy Advocate General for *respondents/State.*

ORAL ORDER
(5th June, 2006)

The following order of the Court was passed by **Satish K. Agnihotri, Vacation Judge.**

1) In the present petition recovery of Rs.6,08, 264/- (Rupees six lacs eight thousand two hundred and sixty four only) by the respondents by order dated 14/12/2005 (Annexure P/14) is under challenge.

2) Shri H.B. Agrawal, learned Sr. Advocate with Ms. Sangeeta Mishra, counsel for petitioner submits that recovery of Rs.6,08,264/- at the rate of Rs.3,000/- per month has been directed to be recovered with effect from December, 2005 (Annexure P/14) without holding any enquiry or affording opportunity of hearing to the petitioner. According to learned counsel for the petitioner, this order is punitive and meets with civil consequences and as such, no order for recovery of the amount without proper enquiry or without providing any opportunity to the petitioner for putting forward his case, be passed.

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3) Shri Vinay Harit, learned Deputy Advocate General with Shri A.S. Kachhawaha, learned Govt. Advocate, on the contrary submits that it is the case of financial loss caused by the petitioner to the Government and the enquiry has already been initiated for the said purpose.

4) Be that as it may, till enquiry is concluded, holding that the petitioner was responsible for causing financial loss to the public exchequer, the liability cannot be fastened on the petitioner for making the payment of the said amount.

5) For the reasons stated above, this petition is allowed. However, the respondents/authority are at liberty to take appropriate steps for recovery of the amount, if in the enquiry it is found that the petitioner was responsible for causing loss to the public exchequer.

6) In the facts of the case, no order as to costs.

Consequently, I.A.Nos. 5084/2006 for urgent hearing and 5085/2006 for hearing during summer vacation and M.W.P. No.169/2006 for grant of ad-interim relief stand disposed of.

Sd/-
Vacation Judge

Raju